

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DUANE LONG,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-CV-2710-SPM
)	
NANCY A. BERRYHILL,)	
Deputy Commissioner of Operations,)	
Social Security Administration,)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on the Motion to Reverse and Remand filed by Nancy A. Berryhill, Deputy Commissioner of Operations, Social Security Administration (“Defendant”). (Doc. 16). Defendant requests that the Court remand the case to Defendant for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Plaintiff has filed a response stating that he has no objection to the motion. (Doc. 17). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 5).

On November 13, 2017, Plaintiff filed a Complaint seeking review of Defendant’s decision that Plaintiff was not disabled within the meaning of the Social Security Act. (Doc. 1). Defendant filed her answer and the transcript of the administrative proceedings on February 8, 2018. (Docs. 9, 10). Plaintiff filed a brief in support of the complaint on March 12, 2018. (Doc. 11).

On June 8, 2018, Defendant filed the instant motion to reverse and remand the case to Defendant for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding

the cause for a rehearing.” 42 U.S.C. § 405(g). Defendant represents in her motion remand is necessary so that the agency can further consider Plaintiff’s borderline age. She states that upon remand, the Appeals Council will determine whether the record supports a finding of disability prior to March 31, 2015. She further states that if the case requires further development, the Appeals Council will remand the case to an Administrative Law Judge to consider the borderline age situation and obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations in Plaintiff’s occupational base, consistent with Social Security Ruling 00-4p.

Upon review of the parties’ submissions, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Reverse and Remand (Doc. 16) is **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of June, 2018.